

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

EMILY MACINTYRE and KEITH FITTS,  
Individually and on behalf of all others  
similarly situated,

Plaintiffs,

v.

CURRY COLLEGE,

Defendant.

C.A. No. 1:25-10585-NMG

**DEFENDANT’S MOTION FOR LEAVE TO FILE SUPPLEMENTAL BRIEFING  
IN SUPPORT OF ITS MOTION TO DISMISS**

On July 4, 2025, Governor Maura Healey signed a bill into law that is specifically designed to terminate the predatory claims in this action and several other recent class action cases against non-profit institutions of higher education and health care systems based on monthly payments to salaried employees. That legislation, Section 113 of Chapter 9 of the Acts and Resolves of 2025 (“Section 113”), provides immunity to Defendant Curry College (“Defendant”) from “any claim or cause of action . . . that alleges that the institution’s . . . payment of wages on a monthly basis . . . violated section 148 of chapter 149 of the General Laws.” Section 113 squarely covers Plaintiffs Emily MacIntyre and Keith Fitts’ claims in this case. As such, pursuant to Local Rule 7.1(b)(3), Defendant respectfully moves this Court for leave to file a supplemental brief in support of its Motion to Dismiss (Dkt. 22) in which it seeks to dismiss Plaintiffs’ Complaint in its entirety. A copy of Defendant’s proposed supplemental brief is attached hereto as **Attachment A**.

WHEREFORE, Defendant respectfully requests that the Court grant it leave to file a supplemental brief in support of its Motion to Dismiss, in the form attached hereto as **Attachment A**.

Dated: September 4, 2025

Respectfully Submitted,

CURRY COLLEGE

By its Attorneys,

/s/ Molly C. Mooney

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**CERTIFICATION PURSUANT TO LOCAL RULE 7.1**

I hereby certify pursuant to Local Rule 7.1(a)(2) that on August 28, 2025, I conferred with counsel for Plaintiffs by telephone regarding the relief sought in this motion. Plaintiffs' counsel did not provide their position with respect to this motion on that call. Subsequently, I emailed counsel for Plaintiffs on both August 29, 2025 and September 2, 2025 requesting Plaintiffs' position on this motion. Plaintiffs' counsel did not reply to either of those emails.

/s/ Molly C. Mooney

Counsel for Defendant

**CERTIFICATE OF SERVICE**

I, Molly C. Mooney, certify that on September 4, 2025, I caused a true and accurate copy of the foregoing document to be filed and uploaded to the CM/ECF system.

/s/ Molly C. Mooney

Molly C. Mooney